



March 24, 1999

Mr. James J. Savage
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002-1700

OR99-0809

Dear Mr. Savage:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122962.

The Harris County Constable's Office for Precinct 4 received a request for the report of an incident that occurred April 16, 1998. You have supplied the responsive information for our review. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

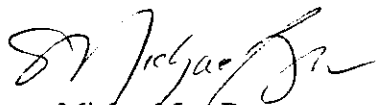
Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the requested information pertains to an ongoing investigation being conducted by the Homicide Division of the Harris County Sheriff's Department. From your representations we conclude that the release of the information "would interfere with the detection, investigation, or prosecution of crime."

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, the department may withhold the requested information from disclosure based on section 552.108(a)(1).

Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007. We note that the requestor is a governmental body. Information may generally be transferred from one state agency to another without waiving exceptions to disclosure. *See* Attorney General Opinions H-917 at 1 (1976); H-242 at 4 (1974); *but see* Attorney General Opinion JM-590 (1986).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Burns", is written over the typed name.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 122962

Encl. Submitted documents

cc: Ms. Theresa Coyle
Southfield Building, MS #20
4000 South IH 35
Austin, Texas 78704-7491
(w/o enclosures)